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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
2008 MAR 28 PM 12:55

UNITED STATES OF AMERICA,

Plaintiff,

v.

Def 1) Roberto TORRES-Hernandez

Aka. Gregorio CRUZ-Merino

Def 2) Miguel MERINO-Calvero,

Defendant(s)

) Magistrate Case No.

) 08 MJ 0961

) COMPLAINT FOR VIOLATION OF:

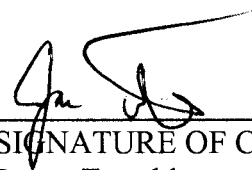
) Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

) Transportation of Illegal  
) Aliens

The undersigned complainant, being duly sworn, states:

On or about **March 27, 2008**, within the Southern District of California, defendant **Roberto TORRES-Hernandez (Aka: Gregorio CRUZ-Merino) and Miguel MERINO-Calvero** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Agustin CAVERO-Ortiz, Donaciano RAMIREZ-Merino, and Silverino RAMIREZ-Mejia** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28<sup>th</sup>** DAY OF **MARCH 2008**.

  
\_\_\_\_\_  
William McCurine Jr.

UNITED STATES MAGISTRATE JUDGE

CEM

## CONTINUATION OF COMPLAINT:

- 1.) Roberto TORRES-Hernandez  
Aka. Gregorio CRUZ-Merino
- 2.) Miguel MERINO-Calvero

## PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Agustin CAVERO-Ortiz, Donaciano RAMIREZ-Merino and Silverino RAMIREZ-Mejia** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 27, 2008 Agents with the San Diego Sector Smuggling Interdiction Group (SIG) were performing anti-smuggling duties near the State Route 94 Immigration checkpoint. Agents with SIG were working in plain clothes and unmarked vehicles. At approximately 7:40 a.m., Agent E. Penagos observed a Black Chevrolet Tahoe traveling eastbound on Japatul Valley Road in Jamul, California. Agent Penagos stationed his vehicle on Lyons Valley Road, so he could observe any vehicles exiting onto Spirit Valley Road. This road is well documented as a load up spot utilized by alien smuggling organizations to pick up illegal aliens after they have circumvented the SR 94 checkpoint in order to avoid detection and apprehension by Border Patrol Agents. This area is approximately 8 miles west of the Tecate California Port of Entry and 9 miles north of the International boundary between the United States and Mexico.

Agent Penagos began following the Tahoe to conduct surveillance. Vehicle record checks revealed the Tahoe's registered owner is from Oceanside, CA 92057. Due to the fact that the Tahoe is registered out of the area and entered into a well documented load spot used for alien smuggling as well as the heavily laden appearance of the vehicle. Agent R. Miranda, who was in a marked Border Patrol vehicle and in full uniform, responded to Agents request for assistance. At approximately 8:30 a.m., Agent Miranda attempted a vehicle stop by activation of emergency lights and sirens of his Bureau vehicle, and the Tahoe failed to yield. At this point Agent Miranda continued to follow the Tahoe for one mile and terminated the pursuit at the Greenfield Avenue exit on Interstate 8. Plainclothes Agents in unmarked vehicles took over the surveillance. On I-15 the Tahoe continued north weaving through traffic almost colliding with several vehicles. From this point, the Tahoe then exited onto Old Highway 395 where Agent Penagos was in position, where a CTDD was successfully deployed. The Tahoe came to a complete stop and SIG Agents with their Bureau issued badges clearly visible approached the vehicle in anticipation of a bailout. At first glance, SIG Agents observed the passenger; **Miguel MERINO-Calvero** later identified as the foot guide lying with his seat completely back and three individuals in the back, lying down in an attempt to conceal themselves from the Agents. Agents identified themselves as Border Patrol Agents and took the driver **Roberto TORRES-Hernandez** (Aka. Gregorio CRUZ-Merino) into custody and questioned the remaining occupants as to their immigration status.

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**CONTINUATION OF COMPLAINT:****1.) Roberto TORRES-Hernandez****Aka. Gregorio CRUZ-Merino****2.) Miguel MERINO-Calvero**

All individuals admitted to being citizens and nationals of Mexico with no proper immigration documents allowing them to be or remain in the United States. All subjects were taken into custody and transported to the Chula Vista Border Patrol Station for processing.

**DEFENDANT #1 STATEMENT: Roberto TORRES-Hernandez (Aka. Gregorio CRUZ-Merino)**

Defendant #1 **Roberto TORRES-Hernandez (Aka. Gregorio CRUZ-Merino)** was advised of his Miranda Rights and stated that he understood these rights and agreed to answer questions without the presence of lawyer. TORRES admitted to being a citizen and national of Mexico and has never had any legal documents allowing him to be or remain in the United States legally.

TORRES stated that an unknown person approached him and convinced him to smuggle illegal aliens. TORRES stated that he was to be paid approximately \$1,000.00US dollars after successfully smuggling the aliens to Los Angeles, California. TORRES stated that the man who hired him called him and told him it was time to pick up the illegal aliens. TORRES stated that he made contact with the foot guide also advising him that they were ready for pick up via cell phone. TORRES stated that when he arrived at the pick up area, the aliens came out of the brush and entered his vehicle. TORRES admitted he was using his personal vehicle to smuggle the illegal aliens.

**DEFENDANT #2 STATEMENT: Miguel MERINO-Calvero**

The defendant #2 **Miguel MERINO-Calvero** was advised of his Miranda Rights and stated that he understood his rights and was willing to speak without the presence of an attorney. MERINO stated that he is a citizen of Mexico and that he has never possessed any immigration documents that would allow him to enter or remain in the United States legally.

MERINO stated that he crossed the United States/Mexico International Boundary on March 27, 2008 with a group of eight other individuals near Tecate, California. MERINO stated that once they were outside of Alpine, California the foot-guide left him and the other four individuals behind. MERINO stated he had his cellular phone in his possession, so he contacted his friend, identified only as Inocensio, in Oceanside, California to pick them up. MERINO stated that sometime after making his call, a black color truck arrived at the area and picked them up. MERINO stated that he and the four other individuals climbed into the back of the vehicle, but then the driver instructed him to get in the front passenger seat. MERINO claims to have never met the driver of the load vehicle or ever spoken to him on the phone. MERINO was questioned why numerous calls were made from his cellular phone to the driver of the load vehicle's phone. MERINO stated that the driver was bringing him some money to pay his smuggling fees.

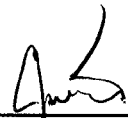
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**CONTINUATION OF COMPLAINT:**

- 1.) Roberto TORRES-Hernandez  
Aka. Gregorio CRUZ-Merino  
2.) Miguel MERINO-Calvero

**MATERIAL WITNESSES STATEMENTS:**

Material Witnesses **Agustin CAVERO-Ortiz, Domaciano RAMIREZ-Merino and Silverino RAMIREZ-Mejia** stated that they are citizens and nationals of Mexico illegally present in the United States without having any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States. Material witnesses Agustin CAVERO-Ortiz and Domaciano RAMIREZ-Merino, stated that they were to pay between \$1,000US dollars and \$1,200US dollars to be smuggled. All the material witnesses stated that a foot guide led them across the border into the United States. When shown a photographic lineup all three Material Witnesses identified Roberto TORRES-Hernandez (Aka. Gregorio CRUZ-Merino) as the driver of the load vehicle and Miguel MERINO-Calvero as the foot guide.



James Trombley  
Senior Patrol Agent



William McCurine Jr.  
U.S. Magistrate Judge

3/28/08, 1221hrs  
Date/Time